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Paper No. 28

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OFFICE OF PETITIONS

In re Application of
Salvatore Albani
Application No. 09/421,506.
Filed: October 19, 1999
Attorney Docket No. 246/285

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 4, 2003, to revive the above-identified application.

The petition is **GRANTED**.

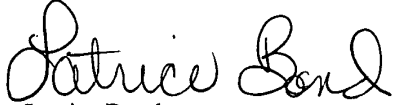
The above-identified application became abandoned for failure to reply in a timely manner in reply to the non-final Office action mailed October 18, 2002, which set a shortened statutory period for reply of three months. Not extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on January 19, 2003.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$465 extension of time submitted with the petition on June 4, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary. Petitioner may request a refund of the extension of time fee by writing the Office of Finance, Refund Section.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Daniel M. Chamber appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. However, if Daniel M. Chamber desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

The application file is being forwarded to Technology Center AU 1644.

A handwritten signature in black ink, appearing to read "Latrice Bond". The signature is fluid and cursive, with the first name "Latrice" and the last name "Bond" clearly distinguishable.

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Biotechnology Law Group
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